

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Ralph M Miller
Kimberly A Miller**
Debtor(s)

Bankruptcy Case No.: 16-70443-JAD
Issued Per Dec. 15, 2016 Proceeding
Chapter: 13
Docket No.: 42 – 23, 37
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 4, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The estimated pool of funds available to general unsecured creditors and estimated percentage dividend are revised to \$4,411 (3 percent).

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: December 21, 2016

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Ralph M Miller
 Kimberly A Miller
 Debtors

Case No. 16-70443-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 48

Date Rcvd: Dec 21, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 23, 2016.

db/jdb
 14292557 +Ralph M Miller, Kimberly A Miller, 1015 Pomona Drive, Johnstown, PA 15905-1955
 14242585 Bank Of America, N.A., PO BOX 31785, Tampa, FL 33631-3785
 14242586 +Bank of America, P.O. Box 15019, Wilmington, DE 19886-5019
 14242587 +Barclays Bank Delaware, PO Box 8801, Wilmington, DE 19899-8801
 14242588 +Best Buy/cbna, PO Box 6497, Sioux Falls, SD 57117-6497
 14242590 +Chase, Attn: Correspondence Dept, PO Box 15298, Wilmington, DE 19850-5298
 14242591 +Citibank, Citicorp/Centralized Bankruptcy, PO Box 790040, Saint Louis, MO 63179-0040
 14242592 +Citibank/Best Buy, Centralized Bankruptcy/CitiCorp Credit S, PO Box 790040, St Louis, MO 63179-0040
 14243769 +Citibank/The Home Depot, PO Box 6497, Sioux Falls, SD 57117-6497
 14242594 +Citizens One Auto Finance, 1 Citizens Drive, ROP15B, Riverside R.I 02915-3019
 14242593 Comenity Bank/Victoria Secret, PO Box 18215, Columbus, OH 43218
 14242595 +Comenity Bank/gndrmtmc, PO Box 182125, Columbus, OH 43218-2125
 14242596 +Comenitycapital/boscov, PO Box 182120, Columbus, OH 43218-2120
 14242597 +Commonwealth of Pennsylvania, Department of Revenue, Bureau of Individual Taxes, P.O. Box 280432, Harrisburg, PA 17128-0432
 14242598 +First Bankcard, P.O. Box 2557, Omaha, NE 68103-2557
 14250008 +First National Bank, Attn: FNN Legal Dept, 1620 Dodge St Mailstop Code 3290, Omaha, NE 68102-1593
 14242600 +First National Bank of Omaha, 1620 Dodge St., Stop Code 3105, Omaha, NE 68197-0002
 14306450 +Kay Jewelers/Sterling Jewelers Inc., Sterling Jewelers, PO Box 1799, Akron, OH 44309-1799
 14242603 +MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011
 14242605 +Merho Federal Credit Union, 15 Irene St, Johnstown, PA 15905-4124
 14317398 +Nasa Federal Credit Union, PO Box 1588, Bowie, MD 20717-1588
 14242606 +Nationwide Bank, P.O. Box 182049, Columbus, OH 43218-2049
 14320131 +Nationwide Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 14242607 +Nationwide Bank, P.O. Box 1730, Williamsville, NY 14231-1730
 14248540 +RBS Citizens Cc, Attn: Bankruptcy Department, 443 Jefferson Blvd Ms: Rjw-135, Warwick, RI 02886-1321
 14242613 Sterling Jewelers Inc., c/o Five Lakes Agency, Inc., P.O. Box 80730, Rochester, MI 48308-0730
 +Target, C/O Financial & Retail Services, Mailstop BT PO Box 9475, Minneapolis, MN 55440-9475

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14296431 +E-mail/Text: bncmail@w-legal.com Dec 22 2016 02:10:30 COMENITY CAPITAL BANK, C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 14242589 +E-mail/Text: bk.notifications@jpmchase.com Dec 22 2016 02:09:50 Chase Auto Finance, P.O. Box 78050, Phoenix, AZ 85062-8050
 14242599 +E-mail/Text: cio.bncmail@irs.gov Dec 22 2016 02:09:45 Internal Revenue Service, Centralized Insolvency Operation, P.O. Box 7346, Philadelphia, PA 19101-7346
 14263910 E-mail/Text: bk.notifications@jpmchase.com Dec 22 2016 02:09:50 JPMorgan Chase Bank, N.A., National Bankruptcy Department, P.O. Box 29505 AZ1-1191, Phoenix, AZ 85038-9505
 14307759 E-mail/PDF: resurgentbknotifications@resurgent.com Dec 22 2016 02:02:42 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14285269 E-mail/PDF: resurgentbknotifications@resurgent.com Dec 22 2016 02:02:42 LVNV Funding, LLC its successors and assigns as, assignee of EAGLEWOOD WAREHOUSE TRUST I, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14242601 +E-mail/Text: bk@lendingclub.com Dec 22 2016 02:10:41 Lending Club Corp, 71 Stevenson St, Suite 300, San Francisco, CA 94105-2985
 14242602 E-mail/Text: camanagement@mtb.com Dec 22 2016 02:09:48 M & T Bank, P.O. Box 900, Millsboro, DE 19966
 14257088 E-mail/Text: camanagement@mtb.com Dec 22 2016 02:09:48 M&T Bank, P.O. Box 840, Buffalo, NY 14240-0840
 14296324 E-mail/Text: bkr@cardworks.com Dec 22 2016 02:09:39 MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 14242604 +E-mail/Text: bkr@cardworks.com Dec 22 2016 02:09:39 Merrick Bank/Geico Card, Po Box 23356, Pittsburg, PA 15222-6356
 14320671 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 22 2016 02:24:18 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14244200 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us Dec 22 2016 02:09:58 Pennsylvania Department of Revenue, Bankruptcy Division PO BOX 280946, Harrisburg, PA 17128-0946
 14273324 E-mail/Text: bnc-quantum@quantum3group.com Dec 22 2016 02:09:52 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 14273323 E-mail/Text: bnc-quantum@quantum3group.com Dec 22 2016 02:09:52 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788, Kirkland, WA 98083-0788
 14242608 +E-mail/PDF: gecsedirecoverycorp.com Dec 22 2016 02:02:55 Synch/PayPal Credit Service, P.O. Box 960080, Orlando, FL 32896-0080
 14242609 +E-mail/PDF: gecsedirecoverycorp.com Dec 22 2016 02:02:56 Synchrony Bank/ JC Penneys, Po Box 965064, Orlando, FL 32896-5064

District/off: 0315-7

User: jhel
Form ID: 149

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Total Noticed: 48

Date Rcvd: Dec 21, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14242610	+E-mail/PDF: gecsed@recoverycorp.com Dec 22 2016 02:03:09	Synchrony Bank/Amazon,
	Po Box 965064, Orlando, FL 32896-5064	
14242611	+E-mail/PDF: gecsed@recoverycorp.com Dec 22 2016 02:02:55	Synchrony Bank/Lowes,
	Po Box 965064, Orlando, FL 32896-5064	
14242612	+E-mail/PDF: gecsed@recoverycorp.com Dec 22 2016 02:02:39	Synchrony Bank/Old Navy,
	Po Box 965064, Orlando, FL 32896-5064	
14296430	+E-mail/Text: bncmail@w-legal.com Dec 22 2016 02:10:30	TD BANK USA, N.A.,
	C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400,	SEATTLE, WA 98121-3132
		TOTAL: 21

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
cr M&T Bank

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 23, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 21, 2016 at the address(es) listed below:

James Warmbrodt	on behalf of Creditor	M&T Bank bkgroup@kmlawgroup.com
Joshua I. Goldman	on behalf of Creditor	M&T Bank bkgroup@kmlawgroup.com
Kenneth P. Seitz	on behalf of Joint Debtor Kimberly A Miller	thedebraters@aol.com
Kenneth P. Seitz	on behalf of Debtor Ralph M Miller	thedebraters@aol.com
Office of the United States Trustee	ustregion03.pi.ecf@usdoj.gov	
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com	

TOTAL: 6